

(2) Enters into the United States not later than 6 months after the expiration of a lease agreement (including any extensions thereof) between an owner described in paragraph (f)(1) of this section and a foreign airline.

(g) The airplane complies with Stage 2 noise levels and was purchased by the importer under a written contract executed before November 5, 1990.

(h) Any Stage 2 airplane described in this section is eligible for operation in the contiguous United States only as provided under § 91.865 or 91.867.

[Doc. No. 26433, 56 FR 48658, Sept. 25, 1991; 56 FR 51167, Oct. 10, 1991, as amended by Amdt. 91-288, 70 FR 38750, July 5, 2005]

**§ 91.857 Stage 2 operations outside of the 48 contiguous United States.**

An operator of a Stage 2 airplane that is operating only between points outside the contiguous United States on or after November 5, 1990, must include in its operations specifications a statement that such airplane may not be used to provide air transportation to or from any airport in the contiguous United States.

[Doc. No. FAA-2002-12771, 67 FR 46571, July 15, 2002]

**§ 91.858 Special flight authorizations for non-revenue Stage 2 operations.**

(a) After December 31, 1999, any operator of a Stage 2 airplane over 75,000 pounds may operate that airplane in nonrevenue service in the contiguous United States only for the following purposes:

- (1) Sell, lease, or scrap the airplane;
- (2) Obtain modifications to meet Stage 3 noise levels;
- (3) Obtain scheduled heavy maintenance or significant modifications;
- (4) Deliver the airplane to a lessee or return it to a lessor;
- (5) Park or store the airplane; and
- (6) Prepare the airplane for any of the purposes listed in paragraph (a)(1) thru (a)(5) of this section.

(b) An operator of a Stage 2 airplane that needs to operate in the contiguous United States for any of the purposes listed above may apply to FAA's Office of Environment and Energy for a special flight authorization. The applicant must file in advance. Applications are due 30 days in advance of the planned

flight and must provide the information necessary for the FAA to determine that the planned flight is within the limits prescribed in the law.

[Doc. No. FAA-2002-12771, 67 FR 46571, July 15, 2002]

**§ 91.859 Modification to meet Stage 3 or Stage 4 noise levels.**

For an airplane subject to § 91.801(c) of this subpart and otherwise prohibited from operation to or from an airport in the contiguous United States by § 91.855, any person may apply for a special flight authorization for that airplane to operate in the contiguous United States for the purpose of obtaining modifications to meet Stage 3 or Stage 4 noise levels.

[Doc. No. FAA-2003-16526, 70 FR 38750, July 5, 2005]

**§ 91.861 Base level.**

(a) *U.S. Operators.* The base level of a U.S. operator is equal to the number of owned or leased Stage 2 airplanes subject to § 91.801(c) of this subpart that were listed on that operator's operations specifications for operations to or from airports in the contiguous United States on any one day selected by the operator during the period January 1, 1990, through July 1, 1991, plus or minus adjustments made pursuant to paragraphs (a) (1) and (2).

(1) The base level of a U.S. operator shall be increased by a number equal to the total of the following—

- (i) The number of Stage 2 airplanes returned to service in the United States pursuant to § 91.855(f);
- (ii) The number of Stage 2 airplanes purchased pursuant to § 91.855(g); and
- (iii) Any U.S. operator base level acquired with a Stage 2 airplane transferred from another person under § 91.863.

(2) The base level of a U.S. operator shall be decreased by the amount of U.S. operator base level transferred with the corresponding number of Stage 2 airplanes to another person under § 91.863.

(b) *Foreign air carriers.* The base level of a foreign air carrier is equal to the number of owned or leased Stage 2 airplanes that were listed on that carrier's U.S. operations specifications on